

### **REMARKS**

Claims 1-42, 44 and 45 are now pending in the application. Claims 1, 4, 10, 29 and 44 have been amended herein. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-42, 44 and 45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kapusnik et al. (U.S. Pat. No. 5,452,839). This rejection is respectfully traversed.

At the outset, Applicant respectfully submits that the originally filed claims are patentably distinct over the cited references. However, in an attempt to expedite prosecution, Applicant has amended Claim 1 to include an elongated positioner having a flat bottom surface. Support for this amendment can be found especially in Fig. 1 showing the bottom end of pin 42. In contrast, Kapusnik et al. does not teach or suggest the claimed combination of elements, especially as amended. For example, Kapusnik et al. teaches the use of retaining elements (24) that have an end of a curvilinear configuration or a substantially hemispherical configuration as discussed in column 2, lines 29 through 32. Furthermore, Kapusnik et al. does not teach or suggest the use of a retaining element (24) holding the element at a known distance between the element and the component when the retaining element is in physical contact with the gauge. According, it is respectfully requested that the instant rejection be withdrawn.

Applicant respectfully submits that originally filed Claim 15 is patentably distinct over the cited reference. Claim 15 includes a welding gauge having a receiver having a bottom operably contacting the positioner. In contrast, Kapusnik et al. does not teach or suggest the claimed combination of elements. For example, Kapusnik teaches the use of retaining elements 24 that have the end of a curvilinear configuration or substantially hemispherical configuration and such retaining elements rest on top of circular openings in a welding gauge. Kapusnik does not teach or suggest the use of a receiving hole with the bottom on a welding gauge. Furthermore, Kapusnik does not teach or suggest the use of a positioner or retaining element operably contacting the bottom in a receiving hole of a welding gauge. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

In addition, Applicant has amended Claim 29 to include positioning a hand held welder in the welding gauge having a receiver with a bottom and holding the element in the welder at a known distance from the component. Support for this amendment can be found in Fig. 1 and accompanied text. In contrast, Kapusnik et al. does not teach or suggest the claimed combination of elements, especially as amended. For example, Kapusnik et al. does not teach or suggest positioning the hand held welder in the welding gauge and holding the element at a known distance from the component. In addition, Kapusnik et al. does not teach or suggest this use of a receiver with a bottom on a welding-gauge. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Furthermore, Applicant has amended Claim 44 to include at least one through-hole with a bottom member and, additionally, to include the positioner being inserted

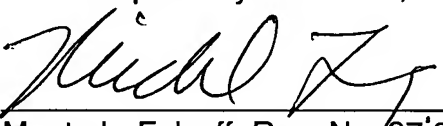
into the at least one through-hole and resting on the bottom member. Support for this amendment can be found in Fig. 1 and the accompanied text. In contrast, Kapusnik does not teach or suggest the claimed combination of elements, especially as amended as discussed above. Kapusnik does not teach or suggest the use of the positioner being inserted into the at least one through-hole and resting on the bottom member. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Final Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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